

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PT INTERACTIVE,

Plaintiff,

v.

TELEVOX SOFTWARE, INC., *et al.*,

Defendants.

CASE NO. C03-3018RSM

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter comes before the Court on plaintiff's Motion for Reconsideration. (Dkt. #33). Plaintiff asks this Court to reconsider its previous Order granting defendant attorney's fees pursuant to the Washington Long Arm statute, RCW 4.28.185. (Dkt. #32). Plaintiff argues that, in so ruling, the Court "overlooked or misapprehended" certain matters.

Having reviewed plaintiff's motion (Dkt. #33), and the remainder of the record, this Court hereby finds and ORDERS:

(1) Plaintiff's Motion for Reconsideration (Dkt. #33) is DENIED. By local rule, motions for reconsideration are disfavored, and the Court will ordinarily deny such a motion in the absence of "a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." W.D. Wash. Local Rule CR 7(h). In its motion for reconsideration, plaintiff argues that: (1) the Court improperly relied on Washington state

1 case law, rather than federal case law; (2) the Court mistakenly balanced equities in favor of
2 defendant; and (3) the Court misapplied the state law cases it did rely on in support of granting
3 the motion. (Dkt. #33 at 2). Interestingly, in plaintiff's response to defendant's motion for
4 attorney's fees, plaintiff itself relied on Washington State law cases in support of its arguments,
5 and failed to argue that federal law controlled the issue. (Dkt. #30). Moreover, in making its
6 previous decision, the Court fully considered plaintiff's response, and its equity and merit
7 arguments against the grant of fees to defendant. (*See* Dkt. #32).

8 While plaintiff now attempts to introduce additional legal authority in support of its
9 position through its motion for reconsideration, plaintiff offers no reason why that authority
10 "could not have been brought to [the Court's] attention earlier with reasonable diligence."
11 Local Rule CR 7(h). Accordingly, the Court declines to reconsider its previous Order.

12 (2) The Clerk shall forward a copy of this Order to all counsel of record, and to the
13 defendants.

14 DATED this 13th day of June, 2005.

15 /s/ Ricardo S. Martinez
16 RICARDO S. MARTINEZ
17 United States District Judge
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